





- 58            (i) a minimum of 30 parts per million; and
- 59            (ii) a maximum of 50 parts per million; or
- 60            (b) a similar bittering agent that renders the engine coolant unpalatable if it meets or
- 61 exceeds the degree of aversion as compared to denatonium benzoate at a concentration of 30
- 62 parts per million.

63            Section 4. Section **19-1-504** is enacted to read:

64            **19-1-504. Recordkeeping.**

65            (1) A manufacturer or packager of engine coolant that sells the engine coolant to a

66 person in this state shall maintain for at least three years a record of the following for a

67 bittering agent used in the engine coolant in accordance with Section 19-1-503:

- 68            (a) the trade name;
- 69            (b) the scientific name; and
- 70            (c) the active ingredients.

71            (2) A manufacturer or packager shall make the information described in Subsection

72 (1) available to the public upon request.

73            Section 5. Section **19-1-505** is enacted to read:

74            **19-1-505. Liability limitation.**

75            (1) (a) Subject to the other provisions of this section, a person may not be held liable

76 as described in Subsection (1)(b) if:

- 77            (i) the person is a manufacturer, processor, distributor, recycler, or seller of an engine
- 78 coolant; and
- 79            (ii) the engine coolant at issue contains denatonium benzoate in a concentration
- 80 described in Section 19-1-503.

81            (b) A person described in Subsection (1)(a) may not be held liable to any person for

82 any of the following that results from the inclusion of denatonium benzoate in an engine

83 coolant in the concentrations described in Section 19-1-503:

- 84            (i) personal injury;
- 85            (ii) death;

- 86 (iii) property damage;
- 87 (iv) damage to the environment, including natural resources; or
- 88 (v) economic loss.
- 89 (2) Subsection (1) does not apply to a liability to the extent that:
- 90 (a) the cause of the liability is unrelated to the inclusion of denatonium benzoate in an
- 91 engine coolant; or
- 92 (b) the injury described in Subsection (1)(b) is the result of willful or wanton
- 93 misconduct or gross negligence by a manufacturer, processor, distributor, recycler, or seller of
- 94 engine coolant.
- 95 (3) Nothing in this section shall be construed to exempt any manufacturer or
- 96 distributor of denatonium benzoate from any liability related to denatonium benzoate.

97 Section 6. Section **19-1-506** is enacted to read:

98 **19-1-506. Preemption.**

99 With respect to a retail container containing less than 55 gallons of engine coolant, a  
100 political subdivision of this state may not establish or enforce a prohibition, limitation,  
101 standard, or other requirement relating to the inclusion of a bittering agent in an engine  
102 coolant that differs from, or is in addition to, a requirement under this part.

103 Section 7. Section **19-1-507** is enacted to read:

104 **19-1-507. Civil action.**

105 (1) The attorney general or a person may bring a civil action in a court of competent  
106 jurisdiction to seek:

- 107 (a) an injunction to enforce the part; and
- 108 (b) if the action is brought by the attorney general, a civil penalty not to exceed \$500
- 109 for each day the part is violated.

110 (2) In an action brought under this section, a court may:

- 111 (a) order injunctive relief;
- 112 (b) impose a civil penalty to the extent provided in Subsection (1);
- 113 (c) award attorney fees and costs to the attorney general or person who brings the civil

114 action, if the attorney general or person prevails; or

115 (d) take a combination of actions under this Subsection (2).

116 (3) A civil penalty imposed under this section shall be deposited into the General

117 Fund.

118 Section 8. Section **19-1-508** is enacted to read:

119 **19-1-508. Exemptions.**

120 This part does not apply to:

121 (1) the sale of a motor vehicle or a part of a motor vehicle that contains engine

122 coolant; or

123 (2) a wholesale container of engine coolant that contains 55 gallons or more of engine

124 coolant if it contains a conspicuous label indicating whether or not it contains a bittering

125 agent.